

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

IN RE: PLUG POWER INC. SECURITIES
LITIGATION

Case No. 1:23-cv-0409 (JLH)

DEFENDANTS' MOTION TO DISMISS THE SECOND AMENDED COMPLAINT

Defendants Plug Power Inc., Andrew Marsh, Paul B. Middleton, and Sanjay Shrestha hereby move pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure, to dismiss the second amended complaint dated February 25, 2025 [D.I. 67] for failure to state a claim upon which relief can be granted.

The grounds for this motion are set forth in the Opening Brief in Support of All Defendants' Motion to Dismiss the Second Amended Complaint and are further supported by Defendants' Request for Judicial Notice and its attached exhibits, all of which are being filed contemporaneously.

Dated: April 30, 2025

Respectfully submitted,

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